



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

237

CRM-M-66-2025

Date of decision: 14.01.2025

Jarnail Singh

.....Petitioner

Versus

Central Bureau of Investigation through its S.P., Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.P.S. Sidhu, Advocate
for the petitioner.

Mr. Deepak Sabherwal, Spl. Public Prosecutor
for the respondent-CBI.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR RC No.RCCHG2004A0008 dated 31.03.2004 under Sections 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and Sections 420, 467, 468, 471 and 120B of the IPC and registered at Police Station SPE/CBI, ACB, Chandigarh.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR. It is further contended that during the trial, the petitioner under the instructions of his then counsel, was under the impression that his presence before the learned Trial Court had been exempted. Acting on this misunderstanding, the petitioner left India and settled in Canada. Consequently, the petitioner was declared a proclaimed offender vide



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order dated 18.07.2012 annexed as Annexure P-3.

3. Learned counsel for the petitioner has drawn the attention of this Court to Annexure P-4, whereby it is submitted that similarly placed co-accused, against whom charges were framed on similar allegations, have been acquitted by this Court vide judgment/order dated 23.05.2022. It has been asserted that this judgment has attained finality as it was not challenged by the CBI. It is further argued that since the investigation concerning the petitioner is complete and the charge sheet has already been filed, the trial is likely to take considerable time. Additionally, it is submitted that there is no recovery to be made from the petitioner, and he is willing to comply with any conditions, even stringent, imposed by this Court.

4. Per contra, learned standing counsel for the CBI vehemently opposes the prayer made by the counsel for the petitioner. While conceding that the similarly placed co-accused have been acquitted by this Court and that the charge sheet against the petitioner has been presented, learned counsel raises apprehensions about the prior conduct of the petitioner. It is contended that there is a genuine risk of the petitioner absconding during the trial if released on bail.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The allegations against the petitioner pertain to his alleged connivance with co-accused in securing appointments in the Income Tax Department through fraudulent means. However, it is not disputed by the learned standing counsel for the CBI that identically placed co-



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accused have been acquitted by this Court in a judgment that has attained finality.

7. When questioned, the learned counsel for the CBI clarified that custodial interrogation of the petitioner, however, is not required.

8. The case at hand is primarily based on documentary evidence, and the charge sheet has already been filed. In such circumstances, incarcerating the petitioner would serve no useful purpose, particularly when there can be no risk of tampering with evidence.

9. In view of the above, and without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. The bail, however, is granted subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any other authority.
- (ii) The petitioner shall appear before the Court on all dates fixed for the hearing of the case.
- (iii) The petitioner shall not absent himself or seek unnecessary adjournments from the Court proceedings.



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- (iv) The petitioner shall surrender his passport forthwith, if not already surrendered.
- (v) If the petitioner is found to be involved in any other criminal activity during the pendency of the trial, it shall be viewed seriously, and the prosecution shall be at liberty to move an application for cancellation of bail.
- (vi) The learned Trial Court may impose heavy surety as it may deem it fit and proper under the law while accepting the bail and surety bonds.

11. It is clarified that any violation of the conditions mentioned above shall entail serious consequences, including the cancellation of bail.

12. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

14.01.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No